

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

BENNIE J. POTEET, II, Individually)	
and by and through his Next Friend, EVELYN)	
POTEET,)	
<i>Plaintiffs,</i>)	
v.)	Case No. 1:05-CV-309
)	
POLK COUNTY, TENNESSEE; POLK)	Chief Judge Curtis L. Collier
COUNTY, TENNESSEE SHERIFF’S)	
DEPARTMENT; BILL DAVIS, in his)	
official capacity as Sheriff of Polk County,)	
Tennessee; BOBBY COPELAND,)	
Individually and in his capacity as a deputy)	
and Chief Correctional Officer of the Polk)	
County Sheriff’s Department; JOSHUA)	
RAY JENKINS, individually and in his)	
capacity as a Deputy and Correctional)	
Officer of the Polk County Sheriff’s)	
Department; JOHN DOE NUMBERS 1)	
through 3, Individually and in their capacities)	
as Deputies of the Polk County Sheriff’s)	
Department; NATIONAL HEALTHCARE)	
OF CLEVELAND, INC., d/b/a CLEVELAND)	
COMMUNITY HOSPITAL; HUGH ROBISON)	
CALDWELL, JR., M.D.; ADAM E. FALL,)	
M.D.; and JOHN DOE NUMBERS 4 through)	
12,)	
)	
<i>Defendants.</i>)	
)	

ORDER

Before the Court is the Polk County Defendants’ (“Defendants”) motion to bifurcate and continue (Court File No. 102). Plaintiff Bennie Joe Poteet, II, individually and by and through his next friend, Evelyn Poteet (collectively “Plaintiffs”), filed a response opposing Defendants’ motion (Court File No. 109). The Court has carefully considered the issue and does not find bifurcation or a continuance are necessary. If there are disputed facts, the Court finds a jury is better suited to

determine the issue of competency. However, if the facts are undisputed, the parties may file a stipulation of fact within twenty days and the Court will determine the issue as a matter of law. Therefore, the Court hereby **DENIES** Defendants' motion to bifurcate and continue (Court File No. 102).

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE